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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,734	10/02/2003	Helmut Spiegl	BOR-162	6113

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EXAMINER	
HOANG, PHUONG N	

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/678,734	SPIEGL ET AL.	
	Examiner	**Art Unit**	
	PHUONG N. HOANG	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 April 2009_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 - 16_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 - 16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 16 are pending in this application. This office action is in response to Pre-brief appeal conference request filed 04/21/2009.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 - 4 and 6 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaler, US patent no. 7,051,330 in view of Patiejunas, US pub. no. 2005/0108710.

4. **As to claim 1**, Kaler teaches a method for facilitating network communications from one independent execution thread (dedicated receiver thread, col. 2) by a dedicated worker thread (worker thread, col. 2), comprising the steps of:

storing a request object by an independent execution thread (dedicated receiver thread listen for incoming requests from client and store them in a work queue, col. 2 lines 40 - 55) in a data structure;

the request object describing a request for a network operation (network environment, col. 6 lines 30 – 55, col. 8 lines 35 – 55, col. 9 lines 10 – 60);

retrieving the request object from the data structure by the dedicated worker thread (the worker thread picks up the request and processes it, col. 2 lines 1 - 10, 30 - 35, 40 – 65) the dedicated worker thread being different from the one or more independent execution threads (receiver and worker threads are two different threads, col. 11 lines 5 - 20), and configured to process the network operation (receiver and worker threads process request over the network, col. 9 lines 10 - 40, col. 10 lines 35 - 45) described by the request object;

sending a non-blocking function call by the dedicated worker thread to a networking module (worker thread send an asynchronous request to the server, col. 9 lines 12 - 30);

sending the request object by the dedicated worker thread to the networking module (worker thread returns results to the server, col. 9 lines 12 - 30); and

executing the non-blocking function call (inherent).

Kaler does not explicitly teach the step of the request is the request object having state information and modifying the request object by the dedicated worker thread to indicate a change of state.

Patiejunas teaches the step of the request is the request object having state information (request associated with state, [0011,0019,0040]) and modifying the request object by the dedicated worker thread to indicate a change of state (when thread processing a task …corresponding state machine, [0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaler and Patiejunas because request object having state would be easier for the server to know and assign the correct requests/tasks to be execute by worker thread (Patiejunas, [0011]).

5. **As to claims 2 - 4**, Patijunas teaches storing and retrieving a notification of completion in the data structure by the networking module, wherein the notification of completion corresponds to the request object (a key in state machine indicating completion, [0011, 0019]).

6. **As to claim 6**, Patiejunas teaches wherein the request object further includes information identifying the execution thread ([0011, 0019, 0040]).

7. **As to claim 7**, Kaler teaches wherein the data structure is a queue (queue, col. 2 lines 1 - 5).

8. **As to claim 8**, it is the system claim of claim 1. See rejection for claim 1 above.

9. **As to claim 9**, see rejection for claim 7 above.

10. **As to claim 10**, Kaler teaches the worker thread is configured to send the request object to the networking module (worker thread returns results to the server, col. 9 lines 12 - 30).

11. **As to claim 11**, see rejection for claim 3 above.

12. **As to claim 12**, it is the system claim of claim 1. See rejection for claim 1 above.

13. **As to claim 13**, see rejection for claim 7 above.

14. **As to claims 14 - 16**, see rejection for claims 2 and 3 above.

15. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaler, US patent no. 7,051,330 in view of Patiejunas, US pub. no. 2005/0108710, and further in view of Kessner, WO 01/86446 in view of Lim, US patent no. 6,212,573.**

16. Kessner was provided by applicant in IDS filed on 6/22/04.

17. **As to claim 5**, Kaler and Patiejunas do not explicitly teach the steps of retrieving the request object corresponding to the notification of completion by the worker thread; determining whether the request described in the request object is complete; and upon determination that the request is not complete sending a second non-blocking function call to the networking module.

Kesser teaches the steps of retrieving the request object corresponding to the notification of completion by the worker thread; determining whether the request described in the request object is complete; and upon determination that the request is not complete sending a second non-blocking function call to the networking module (when executed in asynchronous mode …. must be called again after returning the resource unavailable code, page 6 line 30 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaler, Patiejunas, and Kesser because resending the asynchronous function calls would enable the thread to complete all requests.

Response to Arguments

18. Applicant's arguments filed 04/21/2009 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. The prior art made of record but not relied upon request is considered to be pertinent to applicant's disclosure.

Rowe, US patent no. 6,324,492, demonstrating a method for simulating multiple concurrent clients.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONG N. HOANG whose telephone number is (571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyunh S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. SOUGH/
Supervisory Patent Examiner, Art Unit 2194
07/04/09

/P. N. H./
Examiner, Art Unit 2194